

Addison County Regional Planning Commission

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October 11, 2013

Public Service Board
Attention Susan Hudson, Board Clerk
112 State Street
Drawer 20
Montpelier, Vermont 05620-2701

Re: In re: Petition of Vermont Gas Systems, Inc., Addison Natural Gas Project
Docket # 7970

Dear Susan:

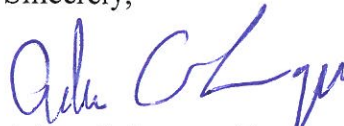
Enclosed for filing in the above matter please find the Brief of the Addison County Regional Planning Commission ("ACRPC") in the above noted matter and seven copies thereof.

Please note that pursuant to the Certificate of Service attached hereto on this date, electronic copies of this package were forwarded to all other parties on the Service List in this proceeding, except for those requesting paper copies who were served via first class US mail.

If anything further is required at this time, please contact me.

Thank you.

Sincerely,



Adam G. Lougee, Esq.
Executive Director

Cc (w/encl): Service List in PSB Docket #7970

Addison
Lincoln
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Bridport
Middlebury
Shoreham

Bristol
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OF THE STATE OF VERMONT

Docket No. 7970

THE ADDISON COUNTY REGIONAL PLANNING COMMISSION

FACTS:

Vermont Gas Systems, Inc. (“VT Gas”) proposes to expand its natural gas transmission and distribution system south into Addison County from the areas it currently serves in Franklin and Chittenden Counties. Title 30, Section 248 of the Vermont Statutes

Annotated, 30 V.S.A. §248(a)(3) states:

No Company as defined in Section 201 of this title, and no person as defined in subdivision 6001(14) of Title 10, may in any way begin site preparation on any natural gas facility, unless the Public Service Board first finds that the same will promote the general good of the state and issues a certificate to that effect.

In order to comply with the statute noted above, Vermont Gas applied to the Public Service Board (“the Board”) for a Certificate of Public Good (“CPG”) on December 20, 2012 to build the so-called Addison Natural Gas Project (the “ANGP”).

The Addison County Regional Planning Commission ("ACRPC") is a political subdivision of the State of Vermont and serves as the regional planning commission for the Addison Region encompassing 21 of the 23 municipalities in Addison County including the Towns of Monkton, New Haven and Middlebury where Vermont Gas has proposed to locate its transmission main. One of the Statutory duties of ACRPC, pursuant to Title 24 of the Vermont Statutes Annotated, Chapter 117 governing Land Use, Sub-section 2345(a)(14) requires that the regional planning commission appear before the Public Service Board to aid the Board in making determinations under 30 V. S.A. §248. ACRPC has engaged in a thorough pre-filing review of this project. On February 27, 2013, the Addison County Regional Planning Commission ("ACRPC") filed its Motion to Intervene in the proceedings before the Board. The proceedings have been ongoing before the Board since the date of VT Gas's petition in accordance with the schedule and orders issued by the Board. Pursuant to that schedule this constitutes the brief of the Addison County Regional Planning Commission.

ISSUES:

1. Whether the Public Service Board should issue VT GAS a Certificate of Public Good for the ANGP?
2. Whether, prior to allowing Vt Gas to operate the system, the Public Service Board should require Vermont Gas to provide local responders with equipment necessary to detect and, if appropriate, shut off gas within the distribution system?

CONCLUSION:

1. The Public Service Board should issue VT GAS a Certificate of Public Good for the ANGP, subject to appropriate conditions including those contained within the Memorandum of Understanding between VT Gas and ACRPC.
2. Prior to allowing Vt Gas to operate the system, the Public Service Board should require Vermont Gas to provide local responders with equipment necessary to detect and, if appropriate, shut off gas within the distribution system.

ANALYSIS:

1. Whether the Public Service Board should issue VT Gas a Certificate of Public Good for the ANGP?

VT Gas notified ACRPC of its intent to apply for and construct the ANGP several years prior to filing its petition for a Certificate of Public Good for the ANGP. ACRPC supported Vermont Gas's initial investigation of whether it should expand its system to Addison County and its request to create an expansion fund from existing ratepayers. (Ex Petitioner SJW- 4.3). During the course of that time period, ACRPC met with representatives of Vermont Gas several times well in advance of the project. (Bouton, pf test 6/13/13 A7, p.5, and A12, p. 6). ACRPC also used that timeframe to conduct a thorough review of all aspects of the project. At its March 14, 2012 full Commission meeting, ACRPC authorized four separate and independent Committees reviewed VT Gas's proposal, ACRPC's Energy Committee reviewed the cost /benefits of gas vs. the fuel mixture currently used in the Addison Region; the Act 250 Committee reviewed

ACRPC's regional plan to determine how the proposed project would impact the orderly development of the region; The Local Emergency Management Committee reviewed the project for impacts to Emergency service providers and the natural resources committee reviewed potential natural resource impacts of the project. (Bouton, pf test 6/13/13 A7, p.5); (Ex. ACRPC TB – 2). Each Committee reported back to the Full Commission, which adopted those committee reports by a resolution of the full commission at its December 12, 2012 public meeting. (Bouton, pf test. 6/13/13 A13, p.7). ACRPC filed the December 12, meeting minutes and committee reports with the Public Service Board in a pre-filing letter dated December 20, 2012. Id.; (Ex. ACRPC TB - 4).

ACRPC's resolution dated December 12, 2012 directed that it file as a party and support the project provided that Vermont Gas satisfied the concerns addressed in its committee reports. Throughout the proceeding ACRPC negotiated with VT Gas. They successfully reached a Memorandum of Understanding on August 12, 2013. (Ex. ACRPC Supp TB-2). The Memorandum is clear on its face. It contains 15 conditions that VT Gas and ACRPC jointly asked the PSB to adopt. Id. Its conditions cover everything from things necessary to support the orderly development of the region, like supplying natural gas distribution to the "villages" of the Towns through which the transmission system runs, to emergency response training to natural resources and economic development opportunities. Id. In her testimony, Ms. Simollardes confirmed the Memorandum and confirmed that Vermont Gas supported inclusion of the conditions in the Memorandum in any order issued by the Public Service Board. (Simollardes Cross (9/16/2013) at p.106)

In summary, the Memorandum satisfactorily addresses conditions necessary for local support of the project. It concludes,

Upon the inclusion of the above noted conditions in a certificate of public good, and granting of all ancillary permits, including natural resource permits, ACRPC agrees that, the construction of the Project promotes the general good of the State and will not unduly interfere with the orderly development of the Region, and should be issued a certificate of public good.

Id.

2. Whether, prior to beginning operation of the system, the Public Service Board should require Vermont Gas to provide local responders with equipment necessary to detect and, if appropriate, shut off gas within the distribution system.

ACRPC and Vermont Gas reached agreement on a large number of issues contained in the Memorandum discussed above. However, they were not able to reach an agreement on two monetarily small, but important issues, concerning the extent to which Vermont Gas should provide equipment to the emergency response organizations serving the footprint of the proposed Phase I system. On this issue, ACRPC and Vermont Gas agreed they would brief this issue before the Public Service Board and let the Board make a decision. (Bouton, pf test. 8/14/13 A5, p. 4).

ACRPC's witness, Tim Bouton, a firefighter with 30 years of experience, and the administrator of the Addison County Emergency Management Committee, ("LEPC#8") a witness with extensive Emergency Response credentials presented evidence before the Board regarding the necessity of proper equipment. (Bouton pf. test. 6/13/13, A3- A5, p.

1- 4); (Ex ACRPC TB-1). Mr. Bouton testified credibly that because natural gas was a new service being offered in the region, Addison County's first responders must be prepared to address it in case of emergencies. (Bouton, pf test 6/13/13 A14, p. 7). He noted many of the local emergency responders would need additional equipment to respond to the new hazard natural gas could present. (Id. at A18, p. 7). He noted that the best way to define a potential problem was to have accurately calibrated equipment available for responders to react to an emergency before it happens. (Id. at A14, p. 7). Mr. Bouton also testified that, merely relying on a firefighter's nose, as suggested by Public Service Board's witness, Mr. Berger, was neither prudent nor practical. (Bouton transcript 9/19/13 p. ____). First, he noted that often firefighters would respond to a hazardous situation involving gas wearing SCUBA units covering their noses, effectively limiting their ability to smell gas. Second, he noted that emergency responders were well trained individuals that responded to all hazards within the communities they served. (Id. at ____.) They deserved to have the equipment necessary that would allow them to make the best decisions to preserve lives and properties. Dedicated methane gas detection meters that are calibrated prior to a response provide the best opportunity for responders to understand the hazard they may be facing. (Bouton pf test 6/13/13, A19, p. 10). The units cost about \$2,500. (Ex ACRPC TB- 5). Just as the meters will give the emergency responders information to assess the severity of the problem, the non-sparking tools will provide them with an ability to address a threat before it increases. (Bouton, pf test 6/13/13, A21, p. 11).

Vermont Gas's proposed project will bring a beneficial, cost effective and useful fuel infrastructure into the region. These modest requests on behalf of the Region's local

emergency response organizations merely provide them with the tools to compliment their training to reasonably mitigate the potential hazards accompanying this infrastructure.

CONCLUSION:


VT Gas has satisfied its burden of proof with respect to the criteria necessary for the Board to issue it a certificate of public good. ACRPC spent considerable time and resources evaluating the project's benefits to and impacts on the Addison Region. In the end, each of its committees concluded that if VT Gas agreed to certain conditions, that the project would provide an overall benefit to the Region and to the State of Vermont. It respectfully requests that the Board recognize the process it engaged in and incorporate the conditions of the Memorandum of Understanding memorializing its public process and negotiations with VT Gas into its decision and order.

In the one area ACRPC was unable to come to an understanding with VT Gas, ACRPC believes it demonstrated the necessity of providing emergency response organizations with the equipment necessary to help mitigate the hazard posed by this new infrastructure.

For the foregoing reasons the Board should approve VT GAS's application for a Certificate of Public Good for Phase I of the ANGP, subject to appropriate conditions including those contained within the Memorandum of Understanding between VT Gas and ACRPC. The Public Service Board should also require Vermont Gas to provide each local emergency response agency servicing territories encompassing the transmission and distribution systems anticipated by Vermont Gas's Phase I application with:

1. dedicated methane gas detection meters and the ancillary equipment necessary to maintain and calibrate those meters; and,
2. Non-sparking wrenches to allow the responders to shut off gas within the distribution system, if they deem that action appropriate.

Dated October 11, 2013.



Adam G. Lougee, Esq. on behalf of the
Addison County Regional Planning Commission